

## Frequently Asked Questions Regarding Accommodations and Instruction



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**Q: What are accommodations?**

**A:** Accommodations, determined by the Individualized Education Plan (IEP) team and written into a document called an IEP, are practices and procedures in 1) instructional strategies, 2) response methods, 3) instructional settings and 4) timing and scheduling.

- Accommodations are intended to reduce or even eliminate the effects of a student's disability. Accommodations do not reduce or change learning expectations or alter the content of the material to be mastered.
- Accommodations provide a student with disabilities with equitable access to instruction and assessment.
- The use of accommodations does not begin and end at the school door. Accommodations are generally needed in the home, the community, at work and in postsecondary education. It is the responsibility of all teachers to instruct the student in the implementation of accommodations and encourage the student to use those accommodations whenever needed.

**Q: What do accommodations look like?**

**A:** All people use accommodations at different times in their lives. When eyesight is impaired, many wear glasses. When lack of height prohibits reaching an object, a ladder is used as an accommodation. If a broken leg inhibits mobility, crutches become a temporary accommodation. Accommodations "level playing fields" and overcome obstacles in daily life.

Students with disabilities use accommodations to level the playing field in accessing an education. Examples of accommodation include, but are not limited to:

- additional time for work completion,
- readers or recorded materials,
- calculators, spell checkers, and other electronic devices,
- special seating arrangements,
- enlarged text,
- scribes/note takers and
- shortened assignments.

Additional examples of accommodations may be found in the Nebraska Department of Education's Accommodations Guidelines published in October, 2009. For a copy of this document go to:

**<http://www.nde.state.ne.us/sped/assessment.html>**

**Q: How do accommodations and modifications differ?**

**A:** Accommodations do not alter academic content or expectations. Modifications refer to practices and procedures that alter or reduce the learning expectations and/or the content of the material to be mastered.

- Modifications are determined by an IEP team and written into the student's IEP (Individual Education Plan)
- Examples of modification include, but are not limited to:

- less depth or breadth in the information/material covered (e.g. fewer objectives, shortened units or lessons, etc.), and
- materials written at a lower readability level (high-interest, low-ability books).
- Out-of-grade level materials (third-grade math standards for a seventh grader) are also considered modifications

**Q: May grades be reduced for students using accommodations?**

**A:** No. Federal law does not allow employers to reduce the pay of employees using glasses, hearing aides or wheelchairs to perform their work. In the same manner, students completing their work using IEP-determined accommodations must be given full credit for their accomplishments. To do otherwise, would be discriminatory and in violation of the student's civil rights.

**Q: What is the role of the classroom teacher in the instruction of students with disabilities?**

**A:** All educators must understand an important concept referred to in federal law as "least restrictive environment (LRE)". LRE addresses the right of a student with disabilities to be educated in a setting:

- 1) where they can academically achieve with support and
- 2) most like the educational setting provided for peers without disabilities. For most students, that setting is the general education classroom. The Individuals with Disabilities Education Act (IDEA) 2004 stresses this point by requiring an IEP to directly address student participation in general education and to explain placements that are not in general education.

No Child Left Behind (NCLB) and IDEA 2004 are moving special education through significant changes. Special education is a service or resource, not a classroom or location. Students with disabilities are no longer considered "temporary guests" mainstreamed into general education classrooms. Research indicates accommodations and other special education supports can be most effectively provided in general education classrooms. Inclusive practices improve learning for all students and "imply that all learners are welcomed at the school and ... are seen as the responsibility of all educators." (Bateman & Bateman, 2002; Turnbull, Turnbull, Wehmeyer, & Park, 2003)

**Q: Do the courts hold general education teachers accountable for the instruction of students with disabilities?**

**A:** While not in the 8<sup>th</sup> Circuit Court (which has jurisdiction over Nebraska), the U.S. Court of Appeals for the Third Circuit Court has set precedent in this matter. In *Oberti v. State Board of Education of Clementon School District* (995 F.2d204), the Third Circuit Court upheld a district court ruling that school districts must make available a full range of supports and services in the general education setting to accommodate students with disabilities, including the student with Down Syndrome involved in the suit. The court further stipulated that just because a student learns differently from other students does not necessarily warrant exclusion from general education.

**Q: Are there legal consequences for teachers choosing not to follow the accommodations and/or modifications in a student's IEP**

**A:** The courts have taken action in this matter. *Doe v. Withers* (20 IDELR 422, 426-27) addressed the general education teachers' responsibility to make good-faith efforts to provide required accommodations for students with disabilities. In this case, Michael Withers refused to provide oral testing accommodations to a student with disabilities. The student failed Withers' class, thus becoming athletically ineligible. The student's family sued the teacher and was awarded \$5,000 in compensatory damages and \$30,000 in punitive damages by the West Virginia Circuit Court.